

PRODUCT: 165 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Atlanta, Ga.

LABEL, IN PART: (Can) "Tomato Queen Brand * * * Hand Packed Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes since the drained weight of the contents of the container of the article was less than 50 percent of the weight of water required to fill the container, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: November 17, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use on the premises.

15442. Adulteration and misbranding of canned tomatoes. U. S. v. 19 Cases * * * (and 4 other seizure actions). (F. D. C. No. 27889. Sample No. 63766-K.)

LIBELS FILED: October 12, 1949, Middle District of Georgia.

ALLEGED SHIPMENT: On or about August 5 and 8, 1949, the Lively Canning Corp. shipped from Lively, Va., to Cairo, Ga., 1,621 cases of canned tomatoes, and thereafter certain portions of the product were shipped from Cairo, Ga., to Amsterdam, Thomasville, and Attapulugus, Ga.

PRODUCT: 77 $\frac{1}{2}$ cases, each full case containing 24 1-pound, 3-ounce cans, of tomatoes at Amsterdam, Thomasville, and Attapulugus, Ga.

LABEL, IN PART: "Tomato Queen Brand * * * Hand Packed Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality and strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient of canned tomatoes.

DISPOSITION: November 10, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution for its use and not for sale.

15443. Misbranding of canned tomatoes. U. S. v. 54 Cases * * *. (F. D. C. No. 28255. Sample No. 61668-K.)

LIBEL FILED: October 31, 1949, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about August 22, 1949, by the Humboldt Canning Co., from Humboldt, Tenn.

PRODUCT: 54 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Cairo, Ill.

LABEL, IN PART: (Can) "Forked Deer Brand * * * Hand Packed Tomatoes."